



Mavronicolas & Dee LLP
Attorneys at Law

MEMO ENDORSED

December 3, 2014

BY ECF

Hon. Colleen McMahon
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Silva v. Cofresi, 13 Civ. 3200 (CM) (JCF)

Dear Judge McMahon:

We are co-counsel for plaintiff Julian Silva in the above-referenced matter. On November 19, 2014, Your Honor adopted the Report and Recommendations of Magistrate Judge Francis to strike the defendant's answer and counterclaims (Dkt. 58). On November 21, 2014 the Clerk of Court entered judgment by default in the amount of \$8,406.00 for attorneys fees related to plaintiff's motions for default and closed the case (Dkt. 59). The issue of defendant's damages to plaintiff for the various claims asserted, however, remains unresolved.

As such, plaintiff seeks to reopen the case and a referral to Magistrate Francis for an inquest regarding damages, which were not addressed in the order granting default. If necessary, plaintiff will file a motion pursuant to FRCP 59(e) within 28 days of the entry of judgment, i.e. by December 19, 2014, to alter or amend the judgment to allow the case to remain open pending a determination of damages.

Plaintiff also intends to file a motion for attorneys' fees under FRCP 54(d)(2)(B)(i), which would otherwise be due within 14 days of the judgment, i.e. December 5, 2014. Plaintiff requests that the Court allow any such motion for attorneys' fees to be made after further proceedings on the issue of damages, or within 14 days of resolution of any motion to amend the judgment pursuant to FRCP 59(e).

USDS SDNY	We thank this Honorable Court for its courtesy and consideration.
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Respectfully,



Peter C. Dee
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CC: Via ECF
Lowell B. Davis, attorney for Defendant